



PATENT
Attorney Docket No. 08442-0002-04000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Joseph CAUTHEN) Group Art Unit: 3738
Application No.: 10/085,040) Examiner: U. Chattopadhyay
Filed: March 1, 2002)
For: INTERVERTEBRAL DISC)
ANNULUS STENT)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REPLY TO OFFICE ACTION

In reply to the Office Action mailed September 25, 2003, the period response extended through a three (3) month extension of time accompanying this paper, please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims beginning on page 4 of this paper.

Remarks/Arguments follow the amendment section of this paper.

Attachments to this reply include: i) copy of Pease (U.S. 2,671,444); ii) copy of Gan (U.S. 5,964,807); iii) copy of Vas-Cath Inc. v. Mahurkar, 19 U.S.P.Q.2d 1111 (Fed. Cir. 1991); iv) copy of Ex parte Porter, 25 U.S.P.Q.2d 1144 (BdPatApp&Int 1992); v) copy of Provisional Application No. 60/149,490 filed August 18, 1999 [Lambrecht], vi) U.S. Provisional Application No.

01 FC:2201	129.00 DA
02 FC:2202	252.00 DA

Conclusion

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW
GARRETT & DUNNER LLP

Dated: March 24, 2004

By: _____


Eric P. Raciti
Reg. No. 41,475

Attachments: Exh. 1: Copy of Pease (US 2,671,444)
Exh. 2: Copy of Gan (US 5,964,807)
Exh. 3: Copy of Vas-Cath Inc. v. Mahurkar
Exh. 4: Copy of Ex parte Porter
Exh. 5: Copy of USPAN 60/149,490
Exh. 6: Copy of USPAN 60/161,085
Exh. 7: Copy of USPAN 60/172,996